

Message

From: McGill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 4/22/2020 10:16:53 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
Subject: Re: DF_Draft FR notice re assumption and ESA DF Review.docx

Here's the response I just got back from Mindy Eisenberg...

Hi Tom,

Ex. 5 Deliberative Process (DP)

Recognizing that we have been directed to move the FRN as quickly as possible, we definitely don't want to surprise FL by citing their paper in the notice so getting feedback from them is key.

Hope that helps,

Mindy

Sent from my iPhone

On Apr 22, 2020, at 5:40 PM, McGill, Thomas <Mcgill.Thomas@epa.gov> wrote:

Jeaneanne – Yes, the draft FR includes specific references to FDEP and the white paper. I asked earlier today about what David Ross received that prompted his message but still haven't received a response and will ping OWOW again.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) We are briefing you on assumption tomorrow morning and should have more information by then. Tom

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, April 22, 2020 12:30 PM
To: McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Tom and Rosemary,

I'm a little unclear on the ask. Are we referencing the FL white paper in our draft FR? Is that what we want to check with them on?

Also, can you provide any insight on this part of Dave's message:

Also, thanks for the update email on 4/9. Two things in there. When the team receives the draft BA, please talk to me and Mary before we initiate the deep dive review. I have been spending time getting briefed by Interior/FWS on their process.

Ex. 5 AC/DP

Ex. 5 AC/DP

Of the issues raised in your email, I'd like to discuss

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Specifically –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks
jeanneanne

From: McGill, Thomas <McGill.Thomas@epa.gov>
Sent: Wednesday, April 22, 2020 10:50 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

I just realized I addressed the email below to Rosemary, but meant to address it to Jeaneanne.

From: McGill, Thomas
Sent: Wednesday, April 22, 2020 10:50 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

Rosemary – Please see the email and question below regarding someone at EPA reaching-out to FDEP to ask whether they are OK with us referencing their ESA white paper in the draft FR that will seek public comment on EPA's position about ESA and assumption. I'm assuming this should be at a senior management level (Noah V or John T) and please let me know what you think. Tom

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Wednesday, April 22, 2020 9:33 AM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

FYI. Can the Region confirm with FDEP that they are comfortable with our citing the white paper?

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Wednesday, April 22, 2020 9:09 AM

To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

FYI - I've not even opened this.

From: Goodin, John <Goodin.John@epa.gov>

Sent: Wednesday, April 22, 2020 9:06 AM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>;

Hurld, Kathy <Hurld.Kathy@epa.gov>

Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell,

Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>;

Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Here you go—thanks!

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Sent: Wednesday, April 22, 2020 9:04 AM

To: Goodin, John <Goodin.John@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurld,

Kathy <Hurld.Kathy@epa.gov>

Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell,

Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>;

Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Thanks John. Can you forward the attachment?

Mindy Eisenberg

Associate Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4504T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Goodin, John <Goodin.John@epa.gov>

Sent: Wednesday, April 22, 2020 8:34 AM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>;

Hurld, Kathy <Hurld.Kathy@epa.gov>

Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell,

Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>;

Wehling, Carrie <Wehling.Carrie@epa.gov>

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DELIBERATIVE

Folks—we can move forward as Dave notes below. Would you coordinate with OGC and the Region on Dave's several asks? I'll acknowledge we'll do that when I open with Dave at our 1015a.

Thanks!

John

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, April 22, 2020 8:23 AM
To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Ex. 5 AC/DP

Regards,

Dave

From: Ross, David P
Sent: Wednesday, April 22, 2020 7:21 AM
To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: DF_Draft FR notice re assumption and ESA DF Review.docx

Confidential; Deliberative; Attorney-Client Communication

John and David,

Nice job to the team on this. Please move forward to FR publication. I've attached a few edits, but please have Macara's shop to the FRN scrub as well. I assume the team has confirmed with FDEP that they are good with putting their white paper in the docket, but please confirm.

Also, thanks for the update email on 4/9. Two things in there. When the team receives the draft BA, please talk to me and Mary before we initiate the deep dive review. I have been spending time getting briefed by Interior/FWS on their process. [redacted] **Ex. 5 AC/DP** [redacted] Of the issues raised in your email, I'd like to discuss [redacted] **Ex. 5 Deliberative Process (DP)** [redacted]

Ex. 5 Deliberative Process (DP)

Thanks.

Dave